UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,695	05/31/2000	Michael E. Tasker	2705-111	5271

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EXAMINER
HOM, SHICK C

ART UNIT	PAPER NUMBER
2616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/583,695	TASKER, MICHAEL E.
	Examiner	Art Unit	
	Shick C. Hom	2616	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 November 2006</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10-21* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-8, 10-21* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 11/3/06 have been fully

considered but they are not persuasive. In pages 7-8 of the

remarks, applicant argued that Chang et al. do not teach or

suggest "transmitting an off-hook indicator to the PBX that the

PBX-connected telephone is temporarily incapable of receiving

calls" and "transmitting a signal to remove the off-hook

indicator upon detection of termination" is not persuasive

because Chang et al. in col. 5 line 66 to col. 6 line 12 recite

when the telephone is off-hook that information is reported to

the interface that controls the switch clearly anticipate

transmitting an off-hook indicator that the connected telephone

is temporarily incapable of receiving calls and transmitting a

signal to remove the off-hook indicator and Holmquist et al. in

Fig. 1 shows the telephone connected to the PBX switch clearly

anticipate the PBX and the PBX-connected telephone as claimed.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at
the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall not be
negatived by the manner in which the invention was made.

3.   Claims 1-7 and 10-21 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Chang et al. (6,700,956) in view of

Holmquist et al. (5,602,846).

        Chang et al. disclose the method for maintaining a virtual

presence of a first remote telephone user in an exchange system

having a network connection between two endpoint routers while

permitting the first remote user to make local calls, the method

comprising: generating an off-hook indicator and transmitting

the indicator to the exchange system; routing a telephone call

placed at a remote telephone in accordance with a defined

protocol other than via the exchange system while the off-hook

indicator is active and the user is still connected to the

exchange system; detecting when the routed telephone call is

terminated; and removing the off-hook indicator from the

exchange system upon detection of termination as in claims 1,

10, 14, 18; wherein said telephone call-routing is to a PSTN

local to the remote telephone as in claims 4, 6, 20; wherein

transmitting and removing are performed by in-band signaling as

in claim 2 (see col. 8 lines 16-65 which recite the modem that

toggle an analog telephone coupled to a PC between an Internet-

base telephone call and a PSTN network-base call without

terminating or dropping either call; whereby the user lifts the

handset and decides whether to place a call using either PSTN or

Internet-based telephony service, generating the off-hook and

DTMF digits, and hanging up the call upon completion of the call

clearly anticipate means and method for selectively routing a

telephone call other than via the exchange system while the user

is still connected to the exchange system).

Chang et al. disclose all the subject matter of the claimed

invention with the exception of wherein the exchange system

being a PBX system and network being a frame relay network as in

claims 1, 5, 10-13, 14-17, 18, 21; wherein said in-band

signaling is in accordance with a Voice over Frame Relay or

Voice over ATM, ATM Adaptation Layer 2 voice over packet

protocol as in claims 3, 7, 19.

Holmquist et al. from the same or similar fields of

endeavor teach that it is known to provide wherein the exchange

system being a PBX system and network being a frame relay

network and wherein said in-band signaling is in accordance with

a Voice over Frame Relay or Voice over ATM, ATM Adaptation Layer

2 voice over packet protocol (see col. 7 line 10 to col. 8 line

22 which the PBX and the data is provided in a frame; col. 1

lines 37-63 which recite voice call being switched through the

PBX; col. 5 lines 39-44 and col. 6 lines 45-49 which recite the

use of software on the personal computer for informing the

status of the LAN connection; col. 5 line 45 to col. 6 line 44

which recite the use of in-band signaling at the modem couple to

the PBX; col. 7 lines 11-50 which recite voice information being

provide in a frame clearly reads on voice over frame relay; col.

5 line 45 to col. 6 line 44 which recite using a predefined

sequence for querying the PBX for the telephone number of PSTN

port clearly reads on the routing mechanism being responsive to

a predefined dialing sequence received from the PBX-connected

telephone as in claim 11). Thus, it would have been obvious to

the person having ordinary skill in the art at the time the

invention was made to provide the PBX system and network being a

frame relay network; wherein said in-band signaling is in

accordance with a Voice over Frame Relay or Voice over ATM, ATM

Adaptation Layer 2 voice over packet protocol as taught by

Holmquist et al. in the communications apparatus and method of

Chang et al. The PBX system and network being a frame relay

network; and wherein said in-band signaling is in accordance

with a Voice over Frame Relay or Voice over ATM, ATM Adaptation

Layer 2 voice over packet protocol can be implemented by

substituting the PBX system in a frame relay network wherein

said in-band signaling is in accordance with a Voice over Frame

Relay or Voice over ATM, ATM Adaptation Layer 2 voice over

packet protocol of Holmquist et al. for the Internet of Chang et

al. The motivation for using the PBX system and network being a

frame relay network; and in-band signaling as taught by

Holmquist et al. in the communication apparatus of Chang et al.

being that it provides the desirable added feature a private

exchange for transmitting and receiving calls; and the feature

of high speed access using Frame relay.

4.   Claim 8 is rejected under 35 U.S.C. 103(a) as being

unpatentable over Chang et al. (6,700,956) and Holmquist et al.

(5,602,846) in view of Brilla et al. (6,389,276).

    For claim 8; Chang et al. and Holmquist et al. disclose the

apparatus and method described in paragraph 3 of this office

action. Chang et al. and Holmquist et al. disclose all the

subject matter of the claimed invention with the exception of

forwarding an incoming call directed to the remote telephone to

a voice mailbox generally from a time when said transmitting

occurs to a time when said removing occurs.

Brilla et al. from the same or similar fields of endeavor

teach that it is known to provide the step of forwarding an

incoming call directed to the remote telephone to a voice

mailbox generally from a time when said transmitting occurs to a

time when said removing occurs (see col. 7 lines 8-22 which

recite the PBX forwarding the incoming call to the voicemail

system upon detecting a busy or no answer condition). Thus, it

would have been obvious to the person having ordinary skill in

the art at the time the invention was made to provide the step

of forwarding an incoming call directed to the remote telephone

to a voice mailbox generally from a time when said transmitting

occurs to a time when said removing occurs as taught by Brilla

et al. in the communications apparatus and method network of

Chang et al. and Holmquist et al. The step of forwarding an

incoming call directed to the remote telephone to a voice

mailbox generally from a time when said transmitting occurs to a

time when said removing can be implemented by connecting the

voicemail system of Brilla et al. to the PBX of Chang et al. and

Holmquist et al. The motivation for providing voicemail system

as taught by Brilla et al. in the communication apparatus and

method of Chang et al. and Holmquist et al. being that it

provides the desirable added feature of storing the incoming

voice mail when the user is busy on another line or off-hook at the receiving end.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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